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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,852	06/22/2006	Juha-Pekka Luoma	915-002.003	5013

4955   7590   01/10/2008
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER
RAHMAN, MOHAMMAD N

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
01/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/539,852	LUOMA ET AL.
	Examiner	Art Unit	
	Mohammad N. Rahman	2161	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5,7,9,10,13,15,17,18,21-23,25-29,31,34,42-45,53-55,58-61,64,65,75 and 76* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *IIDS: 9/29/2005*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1,2,5,7,9,10,13,15,17,18,21-23,25-29,31,34,42-45,53-55,58-61,64,65,75 and 76.

Detailed Action

1.   The application no. 10/539852 is presented with the **claims 1, 2, 5, 7, 9, 10, 13, 15, 17, 18, 21-23, 25-29, 31, 34, 42-45, 53-55, 58-61, 64, 65, 75 and 76,** which are pending in this office action.

Objection to the Specification

2.   The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4.   Claim 59 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 59, line 4, "the m'vans" lacks proper antecedent basis since it was not mentioned previously in the specification.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

> Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature which constitute "descriptive material. "Abstract ideas, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d

at 292-93, 30 USPQ2d at 1457 58, are not patentable. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but. is not limited to music, literary works and a compilation or mere arrangement of data (See MPE P se ct ion 2 106, IV, B, 1)

6.   **Claims 1, 2, 5, 7, 9, 10, 13, 15, 21-22, 25-29, 31, 34, 42-45, 53-55, 58-61, 64, 65, 75 and 76** are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 2, 5, 7, 9, 10, 13, 15, 21-22, 25-29, 31, 34, 43-45, 53, 54, 75 and 76 are rejected as falling under the judicial exception of an abstract idea which lacks a useful, concrete, and tangible result. A claimed series of steps or acts that do not result in a useful, concrete, and tangible result are not statutory within the meaning of 35 USC 101. In the instant case, the claims recite, "providing," "describing," and "selecting." However, no useful, concrete, and tangible result is claimed. For example, "writing said data," "updating said data," "sending said data" being claimed at the end of the claim may comprise a useful, concrete, and tangible result. Absent such a result, however, the claims are not statutory.

Claims 42, 58-61, 64 and 65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be

a composition of matter. As such, they fail to fall within a statutory category. Further, they appear to be non-functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When <u>functional</u> descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming <u>non</u>functional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

Claim Rejection – 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if

the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims **1, 2, 5, 7, 9, 10, 13, 15, 21-22, 25-29, 31, 34, 42-45, 53-55, 58-61, 64, 65, 75 and 76** are rejected under 35 U.S.C. 102 (e) as being anticipated by Slaughter et al. (U.S. Application Patent No. 7,080,078 B1), herein referred to as "Slaughter".

As to claim 1, Slaughter teaches, a method of announcing sessions transmitted through a network (Fig. 23 and col. 1, lines 25-31 and col. 2, lines 14-28), the method comprising:

- "providing a first set of announcements describing a plurality of sessions' at col. 41 and lines 19-23 ; and

(Slaughter teaches, "distributed computing environment may use the Multicast Announcement Protocol (multicast UDP)", thus the announcement contains the description of the one or more sessions.)

- "providing a second set of announcements describing at least one updated session" at col. 21, lines 30-40 and at col. 50, lines 43-52.

(Slaughter teaches, "the gate may be modified as to the contents of the message schema after the gate is created, including deleting, adding, or modifying messages in the message schema "at col. 21, lines 30-40 and "to update the various security policies of the space, and other administrative facilities" at col. 240, lines 43-52, which clearly describes that a set of announcements being updated.)

Note that claims 9, 43, 55 and 75 recite the same corresponding limitations as set forth in claim 1 above, thus the claim is rejected accordingly.

As to claim 2, Slaughter teaches, "a method according to claim 1, comprising providing said first set of announcements through a first channel and providing said second set of announcements through a second, different channel" at col. 19, lines 57-61.

As to claim 5, Slaughter teaches, "a method according to claim 1, wherein providing said first set of announcements and providing said second set of announcements comprises providing said first set of announcements through a first IP address and providing said second set of announcements through a second, different IP address respectively" at col. 10, lines 52-67 and at col. 11, lines 1-17.

As to claim 7, Slaughter teaches, "a method according to claim 1, wherein providing said first set of announcements and providing said second set of announcements comprises providing said first set of announcements through a first port number and providing said second set of announcements through a second, different port number respectively" at col. 16, lines 1-10.

As to claim 10, Slaughter teaches, "a method according to claim 1, wherein providing said first set of announcements and providing said second set of announcements comprises including in each announcement of said first set of announcements respective data for specifying a position of a corresponding session within a first portion of a session directory and including in each announcement of said

second set of announcements respective data for specifying a position of a

corresponding session within a second portion of the session directory" at col. 38, lines

13-20.

As to claim 13, Slaughter teaches, "a method according to claim 1, further

comprising providing a third set of announcements describing another plurality of

sessions including said at least one updated session" at col. 42, lines 40-43 and col.

50, lines 43-52.

Note that claims 28 and 54 recite the same corresponding limitations as set

forth in claim 13 above, thus the claim is rejected accordingly.

As to claim 15, Slaughter teaches, "a method according to claim 1, comprising

arranging the providing of said second set of announcements after the providing of said

first set of announcements" at col. 49, lines 58-62.

As to claim 21, Slaughter teaches, "A method according to claim 1, comprising

transmitting said first set of announcements according to user datagram protocol (UDP)"

at col. 57, lines 1-6.

As to claim 22, Slaughter teaches, "a method according to claim 1, comprising

including a description of a corresponding session in each announcement" at col. 19,

lines 1-5.

As to claim 25, Slaughter teaches, "a method according to claim 1, comprising providing said first set of announcements as a series of linked messages" at col. 31, lines 20-24.

As to claim 26, Slaughter teaches, "a method according to claim 1, comprising providing said first set of announcements in a first set of time slots and providing said second set of announcements in a second set of time slots, each timeslot of said first set of timeslots being provided at a different time from each timeslot of said second set of timeslots" at col. 48, lines 37-40 and col. 275, lines 45-50.

As to claim 27, Slaughter teaches, "a method according to claim 1, comprising multiplexing said first and second sets of announcements" at col. 48, lines 47-65, for "multiplexing", see the description about "internet access" and "networks are complex set up".

As to claim 29, Slaughter teaches, "a method according to claim 1, wherein providing the second set of announcements describing the at least one updated session comprises providing a set of announcements identifying the at least one updated session" at col. 21, lines 30-40 and at col. 50, lines 43-52.

30. (canceled)

As to claim 31, Slaughter teaches, "a method according to claim 1, wherein providing the second set of announcements describing the at least one updated session

comprises providing a set of notifications pointing to the at least one updated session" at col. 46, lines 58-66 and col. 21, lines 30-40 and at col. 50, lines 43-52.

As to claim 34, Slaughter teaches, "a method according to claim 1, comprising transmitting at least one of said sets of announcements according to asynchronous layered coding (ALC) protocol" at col. 58, lines 56-60.

As to claim 42, Slaughter teaches, "a computer program which, when executed by data processing apparatus, causes the data processing apparatus to perform a method of announcing sessions transmitted through a network according to claim 1" at Fig. 23 and col. 1, lines 25-31 and col. 2, lines 14-28.

As to claim 44, Slaughter teaches, "a method according to claim 75, further comprising determining whether all of said first set of announcements have been received" at col. 29, lines 33-35.

As to claim 45, Slaughter teaches, "a method according to claim 44, further comprising selecting not to receive further said first set of announcements and selecting to receive said second set of announcements" at col. 29, lines 33-35, since the message conductor may or may not interact with the user of the service.

As to claim 53, Slaughter teaches, a method of accessing sessions transmitted through a network, the method comprising:

- "listening to a first set of announcements describing a plurality of sessions" sessions' at col. 41 and lines 19-23 ; and

(Slaughter teaches, "distributed computing environment may use the Multicast Announcement Protocol (multicast UDP)", thus the announcement contains the description of the one or more sessions that transmitted through a network.)

- "determining whether said first set of announcements have been received" at col. 29, lines 33-35;

(Slaughter teaches, "the message conductor may interact with the user of the service to receive input and display results", thus the announcements have been received.)

- "if said first set of announcements have been received, then stopping listening to said first set of announcements and listening to a second set of announcements describing at least one updated session" at col. 29, lines 33-35".

(Slaughter teaches, "the message conductor may interact with the user of the service to receive input and display results" at col. 29, lines 33-35, which clearly interprets that, since the message conductor may or may not interact with the user of the service".)

Note that claims 58 and 59 recite the same corresponding limitations as set forth in claim 53 above, thus the claim is rejected accordingly.

As to claim 54, Slaughter teaches, "a method according to claim 53, further comprising: stopping listening to a third. set of announcements describing a further plurality of sessions including said at least one updated session" at col. 46, lines 58-66 and col. 21, lines 30-40 and at col. 50, lines 43-52.

Note that claim 76 recite the same corresponding limitations as set forth in claim 54 above, thus the claim is rejected accordingly.

As to claim 60, Slaughter teaches, an apparatus according to claim 59, comprising:

"means for selectively receiving a third set of announcements describing another plurality of session including said at least one updated session" at col. 46, lines 58-66 and col. 21, lines 30-40 and at col. 50, lines 43-52;

"said apparatus being configured such that if said determining means determines that said first set of announcements has been received, then the means for selectively receiving said third set of announcements is configured not to receive or not to forward said third set of announcements" at col. 29, lines 33-35.

As to claim 61, Slaughter teaches, "Apparatus according to claim 60 which is a mobile communications device" at col. 3, lines 49-51.

As to claim 64, Slaughter teaches, "a system for delivering program schedule data to end-user terminals, said system comprising two sets of announcements, each set comprising at least one announcement, the schedule data being organized at least

partly from a first set of announcements describing at least partly a plurality of sessions

and at least partly from a second set of announcements describing at least one at least

partly updated session" at "abstract" and col. 8, lines 24-46 and col. 53, lines 47-54 and

col. 72, lines 25-39 and col. 21, lines 30-40.

(Slaughter teaches, "The XML schema may specify a set of messages

that clients of the service may send to the service" and "the

gate may be modified as to the contents of the message schema

after the gate is created, including deleting, adding, or

modifying messages in the message schema" at col. 21, lines 30-

40, thus the one or more announcements contains plurality of

session and updated accordingly.)

Note that claim 65 recite the same corresponding limitations as set forth in

claim 64 above, thus the claim is rejected accordingly.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

10.   **Claims 17, 18 and 23** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Slaughter et al. (U.S. Application Patent No. 7,080,078 B1) in view of

Reynolds et al. (U.S. Publication No. 2001/0037500), here in referred to as "Reynolds".

As per claim 17, Slaughter teaches, "the message conductor may interact with

the user of the service to receive input and display results" at col. 29, lines 33-35 except

"a method according to claim 1, comprising transmitting said first set of announcements

according to a session announcement protocol (SAP)".

However, Reynolds teaches, "a method according to claim 1, comprising

transmitting said first set of announcements according to a session announcement

protocol (SAP)" at paragraph [0013], and lines 1-15.

(Reynolds teaches, "Transport type B include three related data

sources: announcements (which can be delivered via the session

announcement protocol (SAP)", which clearly describes about the

function of the session announcement protocol.)

Thus, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the Slaughter et al. teaching of "a method

according to claim 1, comprising transmitting said first set of announcements according

to a session announcement protocol (SAP)" as taught by Reynolds "Transport type B

include three related data sources: announcements (which can be delivered via the

session announcement protocol (SAP)" and in order to broadcasting multicast session

information, it is very useful to listening application to the well-known SAP multicast

address and construct a guide of all advertised multicast sessions.

As per claim 18, Slaughter teaches, "the message conductor may interact with

the user of the service to receive input and display results" at col. 29, lines 33-35 except

"a method according to claim 1, comprising transmitting said first set of announcements

according to a unidirectional transport protocol".

However, Reynolds teaches, "a method according to claim 1, comprising

transmitting said first set of announcements according to a unidirectional transport

protocol" at paragraph [0013], and lines 1-15.

(Reynolds teaches," content (which can be delivered via the

unidirectional hypertext transfer protocol (UHTTP)", thus, it is

clearly describes here about the unidirectional transport

protocol used in a broadcasting of multicast sessions.)

Thus, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the Slaughter et al. teaching of "a method

according to claim 1, comprising transmitting said first set of announcements according

to a unidirectional transport protocol" as taught by Reynolds, "content (which can be

delivered via the unidirectional hypertext transfer protocol (UHTTP)" and in order to

transmitting the broadcast of multicast session information efficiently, the unidirectional

transport protocol is being used.

As per claim 23, Slaughter teaches, "the message conductor may interact with the user of the service to receive input and display results" at col. 29, lines 33-35 except , "a method according to claim 1, comprising including a description of a corresponding session arranged according to session description protocol (SDP) in each announcement".

However, Reynolds teaches, "a method according to claim 1, comprising including a description of a corresponding session arranged according to session description protocol (SDP) in each announcement" at paragraph [0014], and lines 1-3.

(Reynolds teaches, "port defined in the SDP announcement for the enhanced TV program", which clearly describes about the function of the session description protocol (SDP).)

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Slaughter et al. teaching of "a method according to claim 1, comprising including a description of a corresponding session arranged according to session description protocol (SDP) in each announcement", as taught by Reynolds, "port defined in the SDP announcement for the enhanced TV program", and SDP is used in order to describing multimedia sessions for the purposes of session announcement, session invitation, and other forms of multimedia session initiation.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Shur et al. (US Patent No. 7,031,326 B1) discloses an unicast endpoint clients

(110, 111, 115) on an IP Unicast network (107, 108) are provided access to Multicast

sessions on an IP Multicast.

Osawa et al. (US Patent No. 5,473,642) discloses a method of data

communication using single logical link for broadcast session.

Grizzard (US Patent No. 7,200,597) discloses a system for retrieving information.

The system has a storage unit for storing an image that includes first and second

selectable objects.

Bellinger (US Patent No. 5,870,725) discloses a High volume financial image

media creation and display system and method.

Contact Information

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mohammad N. Rahman whose telephone number is

571-270-1631. The examiner can normally be reached on 7:30am - 5:00 pm, Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mofiz Apu M can be reached on 572-272-4080. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for
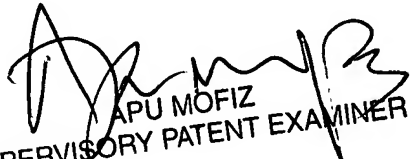
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR   KP
AU 2161

APU MOFIZ
SUPERVISORY PATENT EXAMINER